



WISCONSIN

DEPARTMENT OF WORKFORCE DEVELOPMENT

Division of Economic Support
Bureau of Welfare Initiatives

**TO: Economic Support Supervisors
Economic Support Lead Workers
Training Staff
FSET Administrative and Provider Agencies
Child Care Coordinators
W-2 Agencies**

BWI OPERATIONS MEMO

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**FROM: Stephen M. Dow
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Policy Analysis and Program Implementation Section**

SUBJECT: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM (FSET) MANUAL

CROSS REFERENCE: DES Administrator's Memo 95-38
FSET Manual

PURPOSE

This memo describes the revised **FSET Manual** you are being sent soon by separate mailing.

BACKGROUND

DES Administrator's Memo 95-38 (September 29, 1995) entitled "1996 JOBS/FSET Allocations and Planning Guide", promulgated new requirements for the FSET Program. The memorandum included the provisions for operating the Food Stamp Employment and Training (FSET) Program statewide and indicated that JOBS Administrative Agencies were responsible for the implementation and operation of FSET, unless County/Tribal Departments of Human /Social Services agencies take specific actions. With the implementation of Wisconsin Works (W-2), the W-2 agencies are now responsible for implementing and operating FSET within their respective areas of concern.

DISCUSSION

The FSET Program started statewide on January 1, 1996. With the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and the implementation of W-2, the FSET Program has seen an increased number of participants as certain Food Stamp (FS) recipients are required to participate in an employment and training program to maintain FS benefits.

This new FSET Program Manual provides the most current FSET policy and program operation and remain in effect until notified otherwise. Similar to other programs, the manual format has been utilized. Updates to the FSET Manual will be issued in the usual manual format.

This Manual replaces the policy interpretations described in BWI Operations Memo 97-36 dated 5/15/97. All policy changes that have been communicated by Operations Memos since 5/15/97 are integrated into the Manual (97-40, 97-50, 97-66, 97-98, 97-104, 97-114, 97-115, 97-126, 98-05, 98-71, 98-81 and 99-03, 99-11).

Major changes have occurred in the FS program since the last release. Differences between the "FSET Program Manual" and the **Food Stamp Handbook** instructions will be resolved by future updates to the appropriate manual.

SUMMARY HIGHLIGHTS OF FSET POLICY CHANGES

1. Wisconsin's FS certification period has changed to a three-months period for most FS groups. A telephone review may be completed at alternate reviews if approved by the worker.
2. Federal law allows Wisconsin to lower the FSET caretaker for a child exemption from 6 years to 1 year of age.
3. The 2-week good faith participation is no longer required. Public Law 104-193, PRWORA of 1996, introduced sanction periods for food stamp recipients which makes the 2-week requirement unnecessary.
4. Conducting a conciliation prior to imposing sanctions is no longer a requirement. Conciliation is a sequence of actions taken by a work program staff in response to an enrollee's non-participation in FSET. Under the new policy, agencies can issue notice of adverse actions (NOA) as soon as they become aware of non-compliance.
5. If an FSET mandatory individual fails to comply with FSET requirements, the individual will have FS benefits denied or discontinued for these minimum periods: One month for the first violation; three months for the second violation; six months for the third or subsequent violation(s).
6. The discontinuance of FS for an entire FS Group for head of household (HOH) employment and training noncompliance is no longer applicable. If the HOH or any other non-exempt adult FS group member, does not comply with work requirements, only the individual should apply a sanction of 1, 3, or 6 months to the noncompliant individual, not the entire FS group. Major wage earner determination is no longer a consideration. Only the group member with the sanction should be removed from the FS group.
7. W-2 Administrative Agencies are responsible for providing worker's compensation coverage to workfare (ABAWDs) and work experience (non-ABAWDs) participants. Under the work experience/workfare component of the FSET programs, participants perform work at a worksite as the major or only activity in the component. Most education or other services are provided to the participant under other components of the program. While the worksite operator might provide educational activities in addition to the work experience/workfare, these activities are limited and typically clearly an activity of the worksite. Injuries that occur under this component are subject to the worker's compensation responsibilities that the statute assigns to FSET Administrative Agencies.
8. To be consistent with the US Department of Labor requirement of the Fair Labor Standards Act (FLSA), the participation hours (the time spent by the members of a household collectively each month in a work experience/workfare component) must not exceed the household's allotment for that month, divided by the higher of the applicable State or Federal minimum wage. Under no circumstances should the total hours of participation in work and **any** FSET activity for any household member **individually** exceed the maximum 30 hours per week or 120 hours in any month.

9. Individuals volunteering to participate in FSET program are limited to the same number of hours as an FSET mandatory individual.
10. The length of time that participants can be required to participate in work experience/ workfare (CARES component WX) is no longer limited to 16 weeks. The length of participation in work experience/workfare is dependent upon the individual participant's needs. Participants are generally expected to participate in "WX" for the period of time it takes for the participant to develop the work habits and skills necessary to succeed in the work environment. There is no maximum length of time the participant can be enrolled in this component.
11. An ABAWD who is new to the FSET program is allowed a 30-day job search period prior to being assigned to a workfare activity. The 30-day job search period is allowed only in workfare programs that guarantee the participant a slot at the end of the 30-day period if the participant does not find a job. The 30-day period begins from the day of enrollment. An ABAWD in this initial 30-day job search must be coded as "WX" (workfare) to comply with federal reporting requirements.
12. An ABAWD must participate in job search for at least 12 hours a month during the 30-day job search period. However, W-2 agencies have discretion to require ABAWDs to conduct more than 12 hours a month of job search in the first 30 days of workfare.
13. An ABAWD who is determined not appropriate for workfare can be assigned in ES as long as the activity is required as part of another component and the monthly combined participation hours are at least 80.
14. After the FS eligibility worker determines that an FS participant is mandatory for FSET and has no FSET exemptions, the individual must be referred electronically for work program participation, using the PF 24 key on each AIWP screen to update the CARES data base.

FSET COMPONENT CHANGES

1. The Employment Search /Job Development component is being transitioned into the Employment Search (ES) component.
2. ES can be continuously scheduled for participants as long as it is not the only activity assigned. If ES is assigned as a stand-alone activity, it is limited to eight consecutive weeks within a twelve-month period. Lifting the eight-week limitation is under review at the Federal level and FSET agencies will be informed via Operations Memo when the Federal decision is issued.
3. Employment Search as a sole component is allowed for non-ABAWDS. Agencies may require that an individual participate in the Employment Search component for an initial period of up to eight consecutive weeks. Following this initial period (which may extend beyond the date when eligibility is determined) agencies may assign the individual to ES for a period not to exceed eight weeks in any 12 consecutive months period.
4. Employment Search (ES) does not qualify as a "work program" for the purpose of maintaining FS eligibility for ABAWDs except for the first 30 days of eligibility following an application or enrollment with the limitations set out above.
5. Effective March 1998, Job Development (JD) was eliminated and is considered as a subset of ES. All Job Development related activities are reported as part of ES activities.
6. FSET participants are required to develop an Employability Plan (EP) in conjunction with their case manager. The EP will provide a logical, sequential series of actions and become an individual's blueprint for change.

7. The Post Secondary Education (PSE) activities will not be available to participants unless participants were in this component as of October 1, 1997 and are completing their plan. New FSET participants will not be allowed placement in the PSE activities. If they are not completing their plan, remove them from these activities. Once removed, they are not eligible to return to these activities.
8. Self-employment Initiative (JS) and Parenting Life Skills (PL) are subsets to the Job Skills Training (JS) component. Self-employment is a sanctionable activity, whereas Parenting Life Skills is a local option and is therefore, not sanctionable.
9. Counseling activities are local agency options. Referrals made for these activities are listed in Special Component 5 (P5) and are not sanctionable activities.
10. If an individual comes to FSET already attending classes a General Education Diploma (GE), High School Equivalency Diploma (HE), Adult Basic Education (ABE), Drivers Education (DR), English as a Second Language (EL), Literacy Skills (LS), or in Regular School (RS), an individual's failure to complete is not sanctionable. However, if their participation in this activity is identified as necessary by the case worker and becomes a part of their Employability Plan (EP), their failure to attend and complete the course work is sanctionable.
11. To differentiate between ABAWDs and non-ABAWDs for Federal reporting purposes, a workfare component has been created for ABAWDs and work experience component for non-ABAWDs. In CARES, the "WX" code is used to identify both the workfare and work experience components. Codes "OWE" and "WE" are no longer applicable for FSET.

PARTICIPANT REIMBURSEMENTS

1. FSET participants who have children under the age of 13 or who are providing care and maintenance to a child who is under the age of 13 are eligible for W-2 Child Care funds and if child care services for that child are needed in order to participate in ES, Work Experience/Workfare or any related components.
2. The following components are eligible for W-2 child care because these are related to the activities of job search and work experience: Orientation, Enrollment, Enrollment with Orientation, Disability Assessment, Occupational Assessment, On The Job Training, Adult Basic Education, Driver's Education, English as a Second Language, General Education Development, High School Equivalency, Literacy Skills, Work Experience. If the component Regular School K-12 is part of the participant's Employment Plan, it is related to job search and work experience and W-2 child care can be provided.
3. The participant does not have a child care copay for the hours assigned to the components listed above. FSET participants cannot be required to pay a child care copayment. FSET participants in the approved FSET activity will not have a copayment established. Costs above the agency maximum payment rate are the responsibility of the parent.

If the FSET participant is working in **unsubsidized** employment or in another non-FSET activity and is requesting child care, a copayment will be established.

A participant in a **Working Full-time** or **Working Part-time** status is eligible for W-2 child care, but the participant must pay the copay for the hours assigned to these statuses.

4. W-2 Agencies are required to reimburse the actual cost of dependent care up to either the local market rate or their statewide limit, whichever is lower.

ACTION

Replace your previous FSET Program Guide with this new Manual. DES/BWI is distributing two copies of the new FSET Manual to each county, W-2 agency, and tribal agency, with the following exception, Milwaukee County and each Milwaukee W-2 agency will receive five copies. If your agency needs additional copies of this Manual, please contact Steve Dow at DES Bureau of Welfare Initiatives, preferably by fax 608-261-6968. Send your agency name, the address to which the FSET Manual should be sent and the number of copies requested.

CONTACTS***Regional Office***

Contact your Area Administrator for Employment Programs.

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